

CASE

NUMBER:

99 - 427

HISTORY INDEX FOR CASE: 1999-427
GTE COMMUNICATIONS CORPORATION
Complaints - Service
OF KENTUCKY R.I.T.E., INC.

KY. PUBLIC SERVICE COMMISSION
AS OF : 12/14/99

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IN THE MATTER OF KENTUCKY R.I.T.E., INC. VS G.T.E.

SEQ NR	ENTRY DATE	REMARKS
0001	10/05/1999	Application.
0002	10/19/1999	Acknowledgement letter.
0003	11/09/1999	FINAL ORDER; DISMISSES COMPLAINT



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

CERTIFICATE OF SERVICE

RE: Case No. 99-427
GTE COMMUNICATIONS CORPORATION

I, Stephanie Bell, Secretary of the Public Service Commission, hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the following by U.S. Mail on November 9, 1999.

Parties of Record:

Mark Scovic,
Settlements Admin. & Compliance
GTE Service Corporation
600 Hidden Ridge
Irving, TX. 75038

Mr. Will McGinnis
President
Kentucky R.I.T.E., Inc.
1807 Barwick
Lexington, KY. 40507

Stephanie D. Bell

Secretary of the Commission

SB/sa
Enclosure

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

KENTUCKY R.I.T.E., INC.)	
)	
COMPLAINANT)	
)	CASE NO.
VS.)	99-427
)	
GTE SOUTH INCORPORATED)	
)	
DEFENDANT)	

O R D E R

Will L. McGinnis has brought a formal complaint before the Commission against GTE South Incorporated ("GTE") on behalf of Kentucky R.I.T.E., Inc. ("KRI"). Mr. McGinnis does not appear to be a licensed attorney.

No person may engage in the practice of law in Kentucky without first obtaining a license to practice. SCR 2.100. The practice of law is

any service rendered involving legal knowledge or legal advice, whether of representation, counsel or advocacy in or out of court, rendered in respect to the rights, duties, obligations, liabilities, or business relations of one requiring the services.

Kentucky Supreme Court Rule 3.020. This rule includes, as Kentucky's highest court held in Kentucky State Bar Association v. Henry Vogt Machine Co., 416 S.W.2d 727 (Ky. 1967), the representation of a corporation before a state administrative agency.

In a previous case, this Commission ordered that:

[A]ny attorney who is not licensed to practice in the State of Kentucky and who seeks to represent a client or employer before this Commission, must engage a member of the Kentucky Bar Association. It logically follows that if an unlicensed attorney may not represent a client before this Commission, neither may a layman.

Administrative Case No. 249, Practice Before the Commission by Attorneys Non-Licensed in the Commonwealth of Kentucky (June 15, 1981) at 2.

Commission regulations concerning formal complaints incorporate, at least in part, these sentiments. Administrative Regulation 807 KAR 5:001, Section 12(2), states in part:

Complaints by corporations or associations, or any other organization having the right to file a complaint, must be signed by its attorney and show his post office address.

The regulation requires that a corporation or other organization, from the outset of a complaint proceeding, be represented by an attorney.

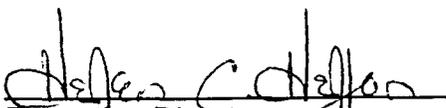
Based on the above, the Commission finds that KRI's complaint fails to comply with Kentucky law and may not be accepted for filing.

IT IS THEREFORE ORDERED that the complaint filed by Will L. McGinnis on behalf of KRI is dismissed.

Done at Frankfort, Kentucky, this 9th day of November, 1999.

By the Commission

ATTEST:


Executive Director



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

October 19, 1999

Mark Scovic,
Settlements Admin. & Compliance
GTE Service Corporation
600 Hidden Ridge
Irving, TX. 75038

Kentucky R.I.T.E., Inc.
200 West Vine Street
Lexington, KY. 40507

RE: Case No. 99-427
GTE COMMUNICATIONS CORPORATION
(Complaints - Service) OF KENTUCKY R.I.T.E., INC.

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received October 5, 1999 and has been assigned Case No. 99-427. In all future correspondence or filings in connection with this case, please reference the above case number.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,
Stephanie Bell

Stephanie Bell
Secretary of the Commission

SB/jc

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the matter of:

Kentucky R.I.T.E., Inc.
(Your Full Name)

COMPLAINANT

VS.

G.T.E.
(Name of Utility)

DEFENDANT

COMPLAINT

RECEIVED
OCT 05 1999
PUBLIC SERVICE
COMMISSION

CASE 99-427

RESOLUTION

OCT 5 1999

GENERAL COUNSEL

The complaint of Kentucky R.I.T.E., Inc. respectfully shows:
(Your Full Name)

(a) Kentucky R.I.T.E., Inc.
(Your Full Name)

200 W. Vine Street Lex, KY. 40507
(Your Address)

(b) G.T.E.
(Name of Utility)

700 Hidden Ridge Irvine, TX. 75038
(Address of Utility)

(c) That: The business phone number, (606) 258-2980,
(Describe here, attaching additional sheets if necessary.)

was disconnected without notice and without just cause.
the specific act, fully and clearly, or facts that are the reason

(See attached Complaint)
and basis for the complaint.)

Continued on Next Page

Formal Complaint

Kentucky R.I.T.E., Inc vs. G.T.E.

Page 2 of 2

Wherefore, complainant asks 1,425,300 (see attached Calculations)
(Specifically state the relief desired.)

Dated at Lexington, Kentucky, this 30 day
(Your City)

of September, 1999.
(Month)



(Your Signature)

(Name and address of attorney, if any)

COMPLAINT

On Thursday September 23, 1999, GTE representatives disconnected phone service for Kentucky R.I.T.E., Inc.(KRI) for reasons that are in direct violation of the law..

The reason given, by GTE, for the disconnecting KRI service, is as follows: *Will McGinnis, has an outstanding balance of 432.52 for a phone number (606) 299-2249. Therefore, we disconnected his phone service for phone number (606) 258-2980. We notified Will McGinnis, via U.S. Post Office, in a letter dated August 31, 1999., that a balance of 432.52 was owed and needed to be paid by September 13th or current service may be disconnected.* The letter that they said they "mailed" was never received. I did receive a copy of the letter via fax on September 27, 1999.

The True Facts: I, Will McGinnis on or about August 9, 1999 applied for new telephone service for Kentucky R.I.T.E., Inc.(KRI) I was told (by GTE sales reps) that I would be unable to obtain new service for KRI because a balance on an old account was unpaid. I informed GTE that KRI was a Kentucky Corporation, with its own Tax ID number and was an entity in itself, and thus not responsible for the bills of Will McGinnis, nor the bills of A Dominating Experience(606) 299-2249. They informed me my Social Security number was on both accounts and would have to pay the past due balance before service could be arranged. I told GTE reps my SS# should not be on the KRI's account, and that KRI should be identified by its own Tax ID number. GTE reps refused to allow KRI to be identified by its own Tax ID number.

After six hours of arguing and explaining the law in the State of Kentucky, I was finally given a date when service would be connected. And service for (606) 258-2980 was finally connected on or around August 15th, 1999.

Now, On September 23, 1999 without any notice, (the letter GTE said they "mailed" on August 31 was never received) KRI's phone number, (606) 258-2980, was disconnected. The same reasons for not allowing service in the first place were given in explanation of service being disconnected.

I spent an additional 5 hours arguing with GTE reps on September 27, 1999 re-explaining the law in the State of Kentucky and service was restored on September 28, 1999.

As of Today, service for KRI is working, however, KRI is currently under the threat of being disconnected if the balance of 432.52 (that was incurred by A Dominating Experience, a company that has been out of business for around 2 years and is not now nor has ever been affiliated with KRI) is not paid.

SUMMARY

KRI, is a Kentucky Corporation and by so being is an entity in itself. KRI, is not responsible for the bills of Will McGinnis nor the bills of A Dominating Experience. KRI, is only responsible for KRI's bills and only KRI's bills. By disconnecting the phone service of KRI without notice, and by refusing to allow KRI to be identified by its Tax ID number, GTE is in direct violation of the law.

KRI SEEKS THE FOLLOWING DAMAGES

	<u>Hrs</u>	<u>Rate</u>	<u>Total</u>
1). 8/09/99 arguing with GTE	3	\$100	\$300
2). 8/10/99 arguing with GTE	2	\$100	\$200
3). 8/10/99 preparation of letter	1	\$100	\$100
4). 9/27/99 arguing with GTE	5	\$100	\$500
5). 9/27/99 GTE service credit			\$100
6). 9/27/99 Drive to Paris, KY to replace yard sign	1	\$100	\$100
7). 9/27/99 Newspaper Ad that ran but phone was disconnected			\$100
8). 9/30/99 Preparation of letter	2	\$100	\$200
9). Lost Business			\$400,000
10). Lost Business			\$10,200
11). Lost Business			\$13,500
12). Emotional Damages			<u>\$1,000,000</u>
Total			\$1,425,300 =====

PREPARED BY: _____


Will L. McGinnis, III
President of Kentucky R.I.T.E., Inc.

DATE: _____

9/30/99